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*Brenda Matrajji*  
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**JUL 20 2004**  
TECH CENTER 1600/2900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney's Docket No.: 100717-502  
(Bayer 10,139.3-KGB)

Applicant(s) : Thomas Krahn, Hagen, et al.  
Serial No. : 09/966,522  
Filed : September 28, 2001  
For : Masking Background Fluorescence and Luminescence in the Optical Analysis of Biomedical Assays.

**INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

07/16/2004 HLE333 00000079 141263 09966522

02 FC:1806 180.00 DA

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

*Check one of the boxes A-D*

☐ A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☐ B. Before the mailing date of a first office action on the merits.

☒ C. After (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

*Check one of the boxes "i" and "ii" below:*

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56 (c) more than three months prior to the filing of this IDS.

☒ ii. Please withdraw from Deposit Account No. 14-1263 the fee set forth in 1.17(p), presently believed to be \$180.

☐ D. After (A), (B) and (C) above, but before payment of the issue fee. Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. A check for the fee set forth in §1.17(1), presently believed to be \$130 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes Form PTO-1449 which lists all patents, publications, and/or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of all documents listed is attached except US patents as explained below.

*Check boxes A and/or B and fill in blanks, if appropriate:*

☐ A. Document(s) is (are) deemed substantially cumulative to document(s) \_\_\_\_\_ and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

Application Serial No.:

Filed:

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a new PTO-1449 listing these documents, and requests that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document(s) are not in the English language. In accordance with 1.98(c), Applicant states:

- ☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- ☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached search report (see reply to Comment 68 in the preamble to the final rules, 1135 OG 13 at 20).
- ☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows: *[Insert concise explanation of relevance]*
- ☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.
- ☐ A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

☒ 4. No explanation of relevance is necessary (documents are in English).

☐ 5. Other information being provided for the examiner's consideration follows:

A Search Report, dated \_\_\_\_\_, which issued during the prosecution of Applicant's corresponding Patent Application No. \_\_\_\_\_.

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

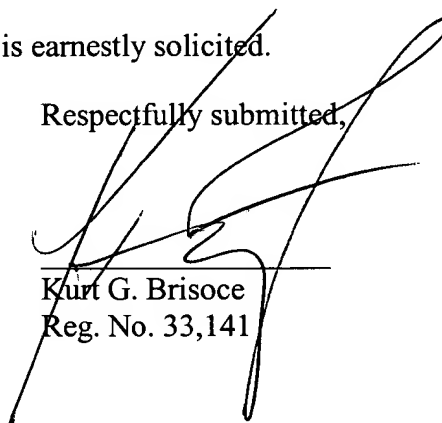
CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. §1.79, Applicant notes that the above-identified patent application is a Continuation Application of the following U.S. Patent Application:

(1) U.S. Patent Application Serial No. \_\_\_\_\_ entitled \_\_\_\_\_.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,



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<b>LIST OF PATENTS AND PUBLICATIONS</b> <b>APPLICANT'S INFORMATION</b> <b>DISCLOSURE STATEMENT</b> (Form PTO-1449)				Attorney Docket: 100717/502 (Bayer 10, 139.3-KGB)		Serial No. 09/966,522			
				Applicant: Thomas Krahn, Hagen et. al.				JUL 20 2001 TECH CENTER 1600/2340	
				Filing Date: September 28, 2001		Group: 1641			
<b>U.S. PATENT DOCUMENTS</b>									
Examiner's Initial		Document Number	Date	Name	Class	Sub Class	Filing Date <small>If appropriate</small>		
	AA	5,082,768	01/21/92	Burd, et. al.	435	7.92			
	AB								
	AC								
	AD								
	AE								
	AF								
	AG								
	AH								
	AI								
	AJ								
	AK								
<b>FOREIGN PATENT DOCUMENTS</b>									
		Document Number	Date	Country	Class	Sub Class	Translation Yes    No		
	AL								
	AM								
	AN								
	AO								
	AP								
<b>OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>									
	AR	Wan, et al., J. Immunol. Methods, 162, pp. 1-7 (1993)							
	AS								
	AT								
<b>EXAMINER:</b>					<b>DATE CONSIDERED:</b>				
• <b>EXAMINER:</b> Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformation and not considered, include copy of this form with next communication to applicant. •									